

1 DANIEL G. BOGDEN
2 United States Attorney
3 PHILLIP N. SMITH, JR.
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Lloyd D. George United States Courthouse
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Las Vegas, Nevada 89101
(702) 388-6336

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,) **2:15-cr-055-APG-PAL**
11 Plaintiff,)
12 v.)
13 TERRENCE WILLIAM McFARLAND,)
14 Defendant.)
15 _____)

16 **STIPULATION FOR EXTENSION OF TIME**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for
the United States of America, and Brian Pugh, Assistant Federal Public Defender, counsel for
Defendant TERRENCE WILLIAM McFARLAND, that the date for the Government to file a
response to the Defendant's Motion to Suppress Evidence (Docket #35) be extended for fourteen
(14) days.

18 This stipulation is entered for the following reasons:

19 1. The Defendant's Motion was filed and served on July 27, 2015. PACER set the
20 Government's deadline for on or before August 13, 2015. The parties' stipulation set the
21 deadline for August 10, 2015.

1 2. Undersigned counsel must conference with the involved officers in order to
2 investigate the facts necessary to provide a meaningful response to the Defendant's Motion.
3 Undersigned counsel is in the process of scheduling meetings with the involved officers and will
4 need time to complete those interviews.

5 3. The Defendant is not incarcerated, and he does not object to the continuance of
6 the Government's response deadline.

7 4. The additional time requested herein is not sought for purposes of delay, but
8 merely to allow the Government to have adequate time to prepare an appropriate response to the
9 Defendant's Motion.

10 5. Additionally, denial of this request for continuance could result in a miscarriage
11 of justice.

12 6. This is the first stipulation filed herein to continue the Government's response
13 deadline.

14 DATED: August 13, 2015.

15 _____
16 /s/
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Counsel for the United States

15 _____
16 /s/
BRIAN PUGH
Assistant Federal Public Defender
Counsel for Defendant TERRENCE McFARLAND

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13 Defendant.)
14 _____)

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16 **FINDINGS OF FACT**

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
18 Court finds that:

19 1. The Defendant's Motion was filed and served on July 27, 2015. PACER set the
20 Government's deadline for on or before August 13, 2015. The parties' stipulation set the
21 deadline for August 10, 2015.

22 2. Undersigned counsel must conference with the involved officers in order to
23 investigate the facts necessary to provide a meaningful response to the Defendant's Motion.
24 Undersigned counsel is in the process of scheduling meetings with the involved officers and will
25 need time to complete those interviews.

26 3. The Defendant is not incarcerated, and he does not object to the continuance of
27 the Government's response deadline.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow the Government to have adequate time to prepare an appropriate response to the Defendant's Motion.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. This is the first stipulation filed herein to continue the Government's response deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion response deadline.

CONCLUSIONS OF LAW

The additional time requested herein is not sought for purposes of delay, but merely to allow the parties sufficient time to allow the Government adequate time to prepare a response to the Defendant's Motion to Suppress, taking into account due diligence. The failure to grant said continuance would likely result in a miscarriage of justice.

ORDER

IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion to Suppress (Docket #35) is extended until August 24, 2015.

Terry A. Tees
UNITED STATES MAGISTRATE JUDGE